

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MARC VEASEY, JANE HAMILTON,)
SERGIO DELEON, FLOYD J. CARRIER,)
ANNA BURNS, MICHAEL MONTEZ,)
PENNY POPE, OSCAR ORTIZ, KOBY)
OZIAS, JOHN MELLOR-CRUMLEY, PEGGY)
HERMAN, EVELYN BRICKNER, GORDON)
BENJAMIN, KEN GANDY, LEAGUE OF)
UNITED LATIN AMERICAN CITIZENS)
(LULAC), AND DALLAS COUNTY, TEXAS,)

Plaintiffs,

v.

RICK PERRY, Governor of Texas; and JOHN)
STEEN, Texas Secretary of State,)

Defendants.

UNITED STATES OF AMERICA,)

Plaintiffs,

TEXAS LEAGUE OF YOUNG VOTERS)
EDUCATION FUND, IMANI CLARK, AND)
MICHELLE BESSIAKE,)

Plaintiff-Intervenors,

TEXAS ASSOCIATION OF HISPANIC)
COUNTY JUDGES AND COUNTY)
COMMISSIONERS, HIDALGO COUNTY,)
AND MARIA LONGORIA BENAVIDES,)

Plaintiff-Intervenors,

v.

STATE OF TEXAS, JOHN STEEN, in his)
official capacity as Texas Secretary of State;)
and STEVE McCRAW, in his official capacity)
as Director of the Texas Department of Public)
Safety,)

Defendants.

CIVIL ACTION NO.

2:13-CV-193 (NGR)

[Lead case]

CIVIL ACTION NO.

2:13-CV-263 (NGR)

[Consolidated case]

TEXAS STATE CONFERENCE OF NAACP)	
BRANCHES; and the MEXICAN)	
AMERICAN LEGISLATIVE CAUCUS OF)	
THE TEXAS HOUSE OF)	
REPRESENTATIVES,)	
<i>Plaintiffs,</i>)	
v.)	
)	CIVIL ACTION NO.
JOHN STEEN, in his official capacity as)	2:13-CV-291 (NGR)
Secretary of State of Texas; and STEVE)	[Consolidated case]
McCRAW, in his official capacity as Director)	
of the Texas Department of Public Safety,)	
<i>Defendants.</i>)	
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BELINDA ORTIZ, LENARD TAYLOR,)	
EULALIO MENDEZ JR., LIONEL)	
ESTRADA; ESTELA GARCIA ESPINOSA,)	
LYDIA LARA, MARGARITO MARTINEZ)	
LARA, MAXIMINA MARTINEZ LARA, AND)	
<i>LA UNION DEL PUEBLO ENTERO, INC.</i>)	
<i>Plaintiffs,</i>)	
v.)	
)	
STATE OF TEXAS, JOHN STEEN, in his)	
official capacity as Texas Secretary of State;)	CIVIL ACTION NO.
and STEVE McCRAW, in his official capacity)	2:13-CV-348 (NGR)
as Director of the Texas Department of Public)	[Consolidated case]
Safety,)	
<i>Defendants.</i>)	

**DEFENDANTS’ OPPOSITION TO THE UNITED STATES’
REQUEST FOR JUDICIAL NOTICE**

The United States’ Request for Judicial Notice (“Request”) presents twenty individual summaries (“summaries”) drawn from data. *See* ECF No. 252 at 3–8 (numbered para. 1–20), Apr. 25, 2014. United States Census Bureau reports were attached to the Request as exhibits. *See* ECF No. 252.3–252.7. Defendants do not

object to judicial notice of the census reports. However, Defendants oppose the Request insofar as it asks the Court to take judicial notice of the summaries contained therein.

The Census Bureau itself recognizes that census data “can be presented and discussed in a variety of ways.” *See* United States Census Bureau, “Overview of Race and Hispanic Origin: 2010,” at 4 n.11 (March 2011), *available at* <http://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf> (last visited May 16, 2014). Thus, reasonable minds can differ on the appropriate way to interpret and present raw census data. The United States’ summaries are but one possible way to present the attached census data, and they should not be accepted as fact before their accuracy can be examined through argument. *See* FED R. EVID. 201(b)(2) (allowing courts to notice facts that are not subject to reasonable dispute because the facts “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned”). Indisputable U.S. census data is an appropriate subject of judicial notice; editorialized summaries of such data are not.

Accordingly, Defendants respectfully request that this Court deny Plaintiff’s Request for Judicial Notice to the extent it seeks judicial notice of the summaries contained therein.

Dated: May 16, 2014

Respectfully submitted,

GREG ABBOTT

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/s/ John B. Scott
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COUNSEL FOR THE DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2014, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ John B. Scott
JOHN B. SCOTT